



UNITED STATES
ENVIRONMENTAL
PROTECTION AGENCY
REGION 8
999 18th STREET - SUITE 300

December 3, 2004

Ref: 8ENF-W

CERTIFIED MAIL 7003 2260 0001 7779 2340
RETURN RECEIPT REQUESTED

Clark Anderson, Owner
1531 North Highway 413
Lyman, Wyoming 82937

Re: Administrative Order
Docket No. **SDWA-08-2005-0003**

PWS ID # 5600379

Dear Mr. Anderson:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that Lyman KOA Campground is a supplier of water as defined by the SDWA and that you, as owner/operator, have violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.63(a)(2), 141.21, 141.201, 141.21(g)(2), 141.31(B) for: exceedance of the monthly maximum contaminant level (MCL) for total coliform bacteria; failure to monitor for total coliform bacteria; failure to provide public notice of the July 2004 total coliform bacteria MCL violation; failure to report total coliform monitoring violation to EPA within 10 days of discovering the violation; and failure to report the violation of NPDWRs to EPA within 48 hours of discovering the violation.

Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering compliance.

Among other things, the Order calls for the system to provide a public notification for the total coliform bacteria MCL violation. For your convenience, we have enclosed some template forms to assist you in providing the required public notice. If you have any questions or comments concerning the form of the public notice, please do not hesitate to contact Jackson Naftel of EPA, whose telephone number is provided below.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information



on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Jackson Naftel at the address on the letterhead and include the mailcode 8ENF-W, or call (800) 227-8917, extension 6362 or (303) 312-6362. If you wish to have in informal conference with EPA, you may also call or write Mr Naftel. If you are represented by an attorney, please feel free to ask your attorney to call Elyana Sutin, Enforcement Attorney, at the above 800 number, extension 6899, or at (303) 312-6899.

We urge your prompt attention to this matter.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Order
Public Notice template
SBREFA

cc: Larry Robinson, WY DEQ (via e-mail)
Dr. Brent Sherard, WY DOH (via e-mail)
Dr. Tracy Murphy, WY DOH (via e-mail)
Dr. David Barber, WY DOH (via e-mail)





UNITED STATES
ENVIRONMENTAL
PROTECTION AGENCY
REGION 8
999 18th STREET - SUITE 500

December 3, 2004

Ref: 8ENF-W

CERTIFIED MAIL 7003 2260 0001 7779 2326
RETURN RECEIPT REQUESTED

Uinta County Commissioner
c/o Craig Welling, Chair
225 9th Street
Evanston, Wyoming 82931

Re: Notice of Safe Drinking Water Act Enforcement
Action concerning Lyman KOA
Campground
PWS ID #WY5600379

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to Clark Anderson, as owner and/or operator of the public water system at Lyman KOA Campground, located in Uinta County, WY. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). The system is in violation of 40 C.F.R. §§ 141.63(a)(2), 141.21, 141.201, 141.21(g)(2), 141.31(B) for: exceedance of the monthly maximum contaminant level (MCL) for total coliform bacteria; failure to monitor for total coliform bacteria; failure to provide public notice of the July 2004 total coliform bacteria MCL violation; failure to report total coliform monitoring violation to EPA within 10 days of discovering the violation; and failure to report the violation of NPDWRs to EPA within 48 hours of discovering the violation.



Printed on Recycled Paper

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Jackson Naftel at (303) 312-6362.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



Docket No. **SDWA-08-2005-0003**

FINDINGS

1. Clark Anderson (Respondent) is an individual and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, Lyman KOA Campground (the System), located in Uinta County, Wyoming for the provision to the public of piped water for human consumption.
3. The Lyman KOA Campground Water System has at least 15 service connections or regularly serves an average of at least 25 individuals daily

at least 60 days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to a June 1, 2001 sanitary survey by an agent for EPA, Respondent operates a system that is supplied solely by a ground water source consisting of one well. The system serves approximately 150 persons daily, during its annual operational season, from May through September through 75 service connections.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21 requires public water systems to monitor their water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.



2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the public water system during both June and July 2004 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

II.

1. 40 C.F.R. § 141.21 requires owners and/or operators of non-community public water systems to monitor the system's water at least once per quarter that the system is serving water to the public to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor the System's water for contamination by total coliform bacteria during the 3rd (July-September) quarter in 2002, in violation of 40 C.F.R. § 141.21.

III.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulation (NPDWR) violations, including violations of the MCL, maximum residual disinfection level (MRDL), treatment technique



(TT), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.

2. Respondent has not provided public notice of the July 2004 total coliform monthly MCL exceedance, in violation of 40 C.F.R. § 141.201.

IV.

1. 40 C.F.R. § 141.21(g)(2) requires any public water system that has failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the monitoring violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA instances of noncompliance detailed in Findings of Violation Section II, in violation of 40 C.F.R. § 141.21(g)(2).

V.

1. 40 C.F.R. § 141.31(b) requires that public water systems shall report any failure to comply with the NPDWRs to EPA within 48 hours.
2. Respondent failed to report to EPA within 48 hours the instances of noncompliance described in Findings of Violation Section III, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:



1. Upon the effective date of this Order, Respondent shall comply with the total coliform MCL requirements appearing at 40 C.F.R. § 141.63. If the System has a total coliform MCL violation within twelve months of the effective date of this Order, Respondent shall install continuous disinfection within 90 days of the violation.
2. Upon the effective date of this Order, Respondent shall comply with the total coliform monitoring requirements as stated in 40 C.F.R. § 141.21 to determine compliance with the total coliform MCL appearing at 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).
3. No later than thirty days from the effective date of this Order, Respondent must comply with the public notice requirements set forth at 40 C.F.R. § 141.201 et seq. to return to compliance with 40 C.F.R. §§ 141.201, 141.204, and 141.205. Specifically, Respondent must provide public notice of the July 2004 total coliform MCL in accordance with 40 C.F.R. § 141.204. Public Notice must be given by any one of the following methods: (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system; (2) by mail or direct delivery to each customer and service connection; AND (3)



any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the public notice described in (1) and (2), including publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

4. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.
5. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR (40 C.F.R. Part 141) to EPA within 48 hours.
6. Reporting requirements specified in this Order shall be provided by certified mail to:

U. S. EPA Region 8 (8P-W-MS)
999 18th Street, Suite 300

Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order, instituted under Section 1414(g)(3)(A) of the Act, 42 U.S.C. § 300g-3(g)(3)(A), may subject Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation, assessed by a U.S. District Court, under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations, instituted under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b), may subject Respondent to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. District Court, under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.
Issued this 3RD day of December, 2004.



Michael T. Risner

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance

**IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS, PLEASE CONTACT THE
REGIONAL HEARING CLERK.**

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON DECEMBER 3, 2004.

